

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.255 OF 2003

Maharashtra State Electricity
Board, District Thane Applicant
Vs.
M/s. Ranjit Wire and Wire
Products Pvt. Ltd. Respondent

Shri P.P. Chavan i/b M/s. Little & Co.
for the Applicant.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 25, 2004

P.C:

1. Heard the learned Advocate for the applicant.
2. The applicant challenges the order dated 30-8-2002 whereby the trial Court has allowed the application for restoration of the suit which was dismissed for default. The Court below has clearly observed that the notice relating to transfer of the suit to the concerned Court was not properly served on the respondent and the respondent had no knowledge about the transfer of the suit and within 30 days from the date of acquisition of such knowledge, the respondent had filed the said application for restoration of the suit. Considering the materials placed on record, the trial Court was satisfied that there was sufficient cause for the

respondent not to appear on the day when the suit was dismissed for default and further that the respondent had no knowledge about the dismissal of the suit and as soon as the respondent acquired the said knowledge, within 30 days from the said date the respondent filed the application for restoration of the suit. The trial Court being satisfied about these facts on record and having exercised its discretion judiciously in restoring the suit in the facts and circumstances of the case, it cannot be said that the Court has exercised its discretion illegally or arbitrarily and in the absence of any error in exercise of the jurisdiction by the trial Court, the impugned order does not warrant interference in revisional jurisdiction under Section 115 of the C.P.C. and hence the petition is rejected.
